



Community Investment Memo

November 30, 2006

TO: Former members of the Flagstaff Community Housing Policy Task Force and interested citizens

THROUGH: Michael Kerski, Director, Community Investment Division

FROM: Roger E. Eastman, AICP, Community Code Administrator

RE: Summary of proposed Land Development Code amendments based on the recommendations of the Flagstaff Community Housing Policy Task Force

Introduction:

The Flagstaff Community Housing Policy Task Force was established by the City Council in December 2004 by Resolution No. 2004-97. The purpose of the Task Force was to recommend to the City Council policies and regulations to increase housing options in the community for all income levels.

The Task Force's final report dated December 5, 2005 was accepted by the City Council on June 6, 2006. This report outlines the organization of the Task Force, describes how it was divided into subcommittees to work on specific issues, and summarizes its final recommendations.

The recommendations described in detail below are based on the final recommendations of the Standards and Engineering Subcommittees of the Flagstaff Community Housing Policy Task Force that were presented as Appendix D. to the Final Report.

One of the most important recommendations (and not discussed in Appendix D.) was *"for a comprehensive revision of the Land Development Code to address specific barriers and enable opportunities which will put an emphasis on housing affordability"*. The Task Force recognized that this project will likely take more than the two-year time frame for most recommendations, but they believed it was fundamental to the success of housing affordability and suggested that work must begin immediately.

And this work has begun. Staff has completed detailed and extensive revisions to the Land Development Code based on the Task Force's recommendations. Staff has also taken this opportunity of developing other necessary and related amendments. If adopted these will promote the provision of more affordable

housing in the City of Flagstaff. In addition, a comprehensive restructuring of the Land Development Code is planned to make it more user friendly and manageable. The City Council has also been informed of how possible Form-based Code amendments to the Land Development Code could in the long run be a positive step towards promoting housing affordability. Finally, the last section of this report on page 25 suggests some other strategies for short and medium-term code and policy amendments to address the City's housing concerns.

Summary of Recommendations:

A summary of the Community Housing Policy Task Force (CHPTF) recommendations is provided below with a brief commentary on whether it was supported as drafted, supported with modifications, or declared infeasible. For those determined to be infeasible at this time, they may be adopted and incorporated into the Land Development Code as part of broader amendments, including for example, possible Form-Based Codes for specific areas of the City.

Recommendation #	Page #	CHPTF Recommendation	Status/comment
General CHPTF Recommendations:			
1	4	Promote curb cut installation	Supported by staff with modifications
2	5	Improve infrastructure – infill projects	Policy decision by City Council
3	5	Expand infrastructure – infill projects	Policy decision by City Council
Short-term CHPTF Recommendations:			
4	5	Establish a substantial conformance process	Supported by staff – amendments proposed
5	6	Revise development standards in multi-family zones	Recommendations not supported by staff (infeasible)
6	8	Allow residential uses in commercial zones	Supported by staff and expanded – amendments proposed
7	10	Open yard area concept for single-family lots	Supported by staff for multi-family developments - amendments proposed
8	12	Allow detached garages to encroach into setback areas	Supported by staff with modifications, and expanded – amendments proposed
9	12	Allow ADUs (Accessory Dwelling Units) over detached garages	Supported by staff with modifications, and expanded – amendments proposed
10	12	Allow ADUs to be rented	Supported by staff and expanded – amendments proposed
11	16	Allow overlapping resource protection areas	Supported by staff with modifications – addressed in Set-Aside Policy
12	18	Exclude resources removed from required facilities	Recommendation not supported by staff
13	19	Change threshold for stormwater detention facilities	Recommendation not supported at this time by staff
14	20	Modify parking standards for multi-family developments	Supported by staff with modifications – amendments proposed

Recommendation #	Page #	CHPTF Recommendation	Status/comment
15	21	Use of driveways	No staff recommendation at this time
16	22	Driveway standards	No staff recommendation at this time
17	24	Allow tandem parking	Supported by staff – amendments proposed
Other staff Recommendations:			
-	24	Amendments to Definitions	Amendments proposed
-	25	Home day care and day care centers/home occupations	Amendments proposed
Long-term CHPTF Recommendations:			
1	26	Variable density concept	No recommendations proposed
2	26	Tree preservation methodology	No recommendations proposed
3	26	Tree preservation rate	No recommendations proposed
4	27	Tree replacement	No recommendations proposed
5	27	Consolidated zone concept	No recommendations proposed
6	27	Create a high-rise district	No recommendations proposed
7	27	Change the urban growth boundary	No recommendations proposed
Other staff recommendations:			
-	28	Other staff long-term suggestions	No recommendations proposed

Staff has only reviewed, commented on and proposed amendments to the Land Development Code based on the short and medium term recommendations of the Standards and Engineering Subcommittees of the Community Housing Policy Task Force. While the long term recommendations of the Task Force have been discussed in general, they have not been studied, and no proposed revisions to the Land Development Code are suggested by staff at this time. A summary of these recommendations is provided on Page 28 of this report.

List of Appendices:

- A. Summary of Existing and Proposed Residential Uses in Commercial and Industrial Zoning Districts

Overview of specific Flagstaff Community Housing Policy Task Force recommendations:

The following Land Development Code amendments are proposed based upon the final recommendations of the Flagstaff Community Housing Policy Task Force.

Task Force Recommendation #1 – Promote the installation of curb cuts with initial subdivision construction so that the property owner does not have to incur the expense of cutting the curb at the time his residence is constructed.

Staff Recommendation: Staff supports this Task Force recommendation with modifications.
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Commentary:

This recommendation was discussed with the City Engineer and Development Services Director on September 22, 2006. The City Engineer commented via e-mail that the City does allow the construction of curb cuts for residential driveways during the construction of the road provided that the location of the associated house is known (such as in town home or planned developments where building locations are established as part of the final plat) and provided the entire driveway entrance is constructed at that time to accommodate drainage issues.

However, when the location of the home is not known at the time of street construction (such as in single-family subdivision developments), the City Engineer typically requires that curb cut locations must be determined and constructed by the individual home builder at the time the home is constructed, rather than at the time of road construction. A primary reason for this is to prevent erosion problems caused by stormwater eroding behind and underneath the driveway apron during storm events. Also, the City Engineer is concerned with the need to dig and patch new asphalt in the street if the driveway is established in the wrong place and has to be moved based on the design of the new home. He further notes that the cost of placing curb is likely to be more if the crew is required to install and finish curb cuts instead of only installing straight curb.

The City Engineer also responded to the concern regarding the need to replace sidewalks damaged as a result of home construction activity. While this undoubtedly adds cost to the developer and the home builder, if good project management and supervision of the home construction was practiced, the abuse of the existing sidewalks would not be an issue.

Staff recommends that City policy regarding the installation of curbs and driveways in new subdivisions should be revisited to give the developer the option of either (1) installing the curb cuts and driveways at the time the streets and sidewalks are constructed in the subdivision, or (2) cutting the vertical curb and installing the driveway and curb cuts at the time home is constructed. In either approach, the City's public works inspectors will only accept the sidewalks, curbs and streets after any broken infrastructure has been repaired or replaced.

Task Force Recommendation #2 – Improve existing infrastructure to allow infill projects so that the developer does not have to pay for infrastructure improvements.

Task Force Recommendation #3 – Expand existing infrastructure to allow new development without the developer being obligated to install new required infrastructure.

Staff Recommendation: Staff suggests that these are policy decisions that should be addressed by the City Council.

Commentary:

The intent of these two recommendations is to either improve or expand the City's infrastructure (such as streets, utilities, etc.) in advance of new development so that the developer of new residences would not be obligated to these costs, and therefore, that presumably the cost savings would be passed onto the new homeowner. It is staff's opinion that while this seems like a great idea, it would be very difficult to assure that the cost savings are passed onto the homeowner, and not added into the developer's profit. Of greater concern is the difficulty of determining where development might occur in advance of expanding utility service in those areas of the city, and the financial burden to the City of this installation.

It is staff's opinion that this is a policy decision that needs further review and discussion with the City Council.

Task Force Recommendation #4 – Develop a substantial conformance process so that minor changes to a project previously approved by the Planning and Zoning Commission and City Council may be approved by the Development Services Director rather than having to go back to the Planning and Zoning Commission and City Council for review and re-approval.

Staff Recommendation: Staff supports this Task Force recommendation, and amendments to the Land Development Code are proposed.

Commentary:

Staff has developed minor amendments to Section 10-10-003-0005 (Amendments to Development Approvals) to enable the Development Services Director to approve minor amendments to a project subject to more refined criteria than were previously established in this section.

Task Force Recommendation #5. – Revise the development standards in multi-family zones (RM-M-E, RM-L-E, RM-M-O-E and MR).
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Staff Recommendation: Staff does not support these Task Force recommendations as they have been determined to be infeasible.

Commentary:

The Task Force recommended that the development standards in the multi-family residential zones listed above should be amended as follows:

- a. Minimum Lot Size: 4,000 sq. ft.
- b. Minimum Lot Dimensions:
 - Width: 40 feet
 - Depth: 80 feet
- c. Density: For lots over 6,000 sq. ft. allow one unit per every 2,000 sq. ft.
- d. Lot Coverage: 50%
- e. Setbacks:
 - Front Yard: 10 feet
 - Side Yard: 3 feet
 - Rear Yard: 6 feet
- f. Building Height: 50 feet

Staff has carefully analyzed the recommendations of the Task Force and compared them to the existing development standards for the RM-M-E, RM-L-E, RM-M-O-E and MR multi-family zones.

It is staff's opinion that the Task Force recommendations for development standards should not be implemented and that the Land Development Code should not be amended to accommodate them. The reasons for not supporting these recommendations are stated in the detailed discussion above, and for clarity are summarized below.

1. By decreasing minimum lot width, depth, and area requirements and setbacks, and increasing allowable lot coverage, the opportunities for parking are severely limited. Available space on a small property is consumed by buildings and the proposed open yard area requirement (See recommendation #7 on page 10), and parking can only therefore be provided either under a building (which increases building height and cost) or in the front setback area (which has aesthetic and safety concerns). Staff supports the open yard area concept, but is not supportive of allowing covered or uncovered parking in the front yard area for aesthetic reasons.
2. The minimum width recommendation of 40 feet as applied to a minimum size lot of 4,000 sq. ft. results in a long and narrow lot that is hard to develop, especially with regard to parking, unless an alley or similar thoroughfare provides access to the rear of a lot. Staff recommends that this recommendation be explored further

in the future with the Traditional Neighborhood Ordinance and as part of a Form-based Code developed for specific neighborhoods or character districts within the City.

3. Reducing the front yard setback to 10 feet may be an acceptable recommendation, but staff suggests that to do so should be considered as part of a more comprehensive urban design and Form-based Code review of the Land Development Code. For example, it may be appropriate to allow a multi-family building to be constructed even closer to the property line than 10 feet, provided that numerous other issues are addressed at the same time, including for example, parking provided at the rear of the lot, consideration of the design of the street, building design to ensure privacy, etc. Staff recommends that this recommendation be explored further in the future with the Traditional Neighborhood Ordinance and as part of a Form-based Code developed for specific neighborhoods or character districts within the City.
4. As detailed above, the proposed 3-foot interior side setback allows no room for error in the construction of the wall as an absolute minimum of 36 inches is required between a property line and a structure with openings to comply with applicable Building Code provisions. Also, roof overhangs into this space are limited by Building Code requirements which may result in increased costs for design and construction of trusses, or the construction of flat or low shed roofs which could raise other design and aesthetic issues.
5. Staff is not supportive of the 50-foot building height recommendation. Staff is concerned with the privacy, massing and aesthetic implications of allowing tall multi-family buildings immediately adjacent to single-family homes and with reduced side and rear setbacks. Multi-family buildings placed close to each other could also create similar aesthetic, privacy and massing concerns, unless their form and placement is carefully conceived and designed with the framework of a Form-based Code.
6. The density provisions of the MR, UR and HR zones allows a higher density than established zoning districts through the Planned Development Option, and density is controlled by careful site analysis and the protection of existing resources on a site. Also, in the established zoning districts, the number of units permitted on a lot is constrained by the minimum lot size, width and depth requirements, lot coverage, and especially parking standards. In staff's opinion the proposal to reduce the permitted density to 1 unit per 2,000 sq. ft. of lot area does not work as the site is unable to accommodate required parking in a cost effective and aesthetically supportive manner.

Other considerations:

In researching the Land Development Code to evaluate the application of this recommendation from the Task Force, staff identified a number of sections of the Code that require further study and possible amendment. As these possible amendments are beyond the scope of the recommendations proposed in this report, staff will address these at a future date. These include the following:

- Only the RM-M-O-E zone limits the number of stories (two) of a building. All other zones provide a specific height limit. There appears to be no specific reason for this.
- Only the RM-M-O-E zone establishes a combined side yard setback. This is a good idea that could be applied universally in the Code.
- Only the RM-L-E zone measures lot width at the setback line. This is also a good idea that could be applied universally in the Code.
- Only the RM-M-E zone bases height on lot coverage and FAR, and requires a CUP for structures over 60 feet in height. There appears to be no specific reason for this.

Task Force Recommendation #6 – Allow any type of residential development as a permitted use in as many zones as possible, and exclude zones that would allow industrial and heavy automotive uses next to housing.

Staff Recommendation: Staff supports these Task Force recommendations. The original recommendations have been expanded and numerous amendments to the Land Development Code are proposed.

Commentary:

Staff has completed a detailed comparison of existing Land Development Code provisions regarding residential uses in commercial and industrial zones relative to suggested Land Development Code amendments. This is attached as Appendix A.

Staff has developed proposed amendments to the Land Development Code to encourage the provision of residential uses in most commercial zones. In the industrial zones, the establishment of residential uses is not supported, except for a residence for a caretaker, manager or security personnel.

Other amendments to the Land Development Code to accommodate this important recommendation were also necessary, and these are summarized below.

- Using the development standards of the RM-M-E district, residential uses are permitted in most commercial districts by right, and the need for a conditional use permit has been eliminated unless a building is greater than 60 feet in height.
- Staff recommends that as an incentive, the floor area of residential uses should be excluded from applicable FAR calculations.
- Also, to protect and maintain the commercial nature of the commercial districts, residential uses are only permitted by right on the second floor or higher of mixed use buildings.

- In all commercial districts “commercial condominiums” are listed as permitted uses. The term “condominium” describes a type of ownership of real property and is applicable to any land use type. According to A.R.S. 33-1202(10), “condominium” means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions.” A commercial condominium is not a land use, and staff therefore recommends that it should be deleted from the list of permitted uses. Similarly staff recommends that the reference to industrial condominiums in the industrial districts should be deleted from the list of permitted uses as it is not a land use.
- Within the existing established industrial zones, current code provisions allow for a single-family residence (defined as a detached structure) with conditional use permit approval for use by the owner, manager, or caretaker of a business. Staff recommends that the conditional use permit requirement should be eliminated, and that this use be rephrased so that a property owner can either attach or detach the owner, manager or caretaker’s residence. Similar minor amendments are also required in the R&D-E and PL-O-&B-E districts.
- Throughout the Code the term “commercial apartments” is proposed to be deleted and the more generic terms of apartments and condominiums is used instead.
- The LI District allows commercial apartments with conditional use permit approval. Staff is not supportive of the possibility of allowing residential uses in the LI zone even with a conditional use permit, and recommends that this use should not be permitted.
- Finally, staff recommends that the definition of mixed use should be revised to simplify it, and to make it more consistent with current definitions of mixed use as applied by the New Urbanism and traditional neighborhood development.



Some Sample Mixed Use Projects in the City of Flagstaff

Task Force Recommendation #7. – Allow alternative yards for single-family residential lots and duplexes in all zoning districts utilizing an open yard concept.

Staff Recommendation: Staff supports these Task Force recommendations for multi-family residential districts only, and amendments to the Land Development Code are proposed.

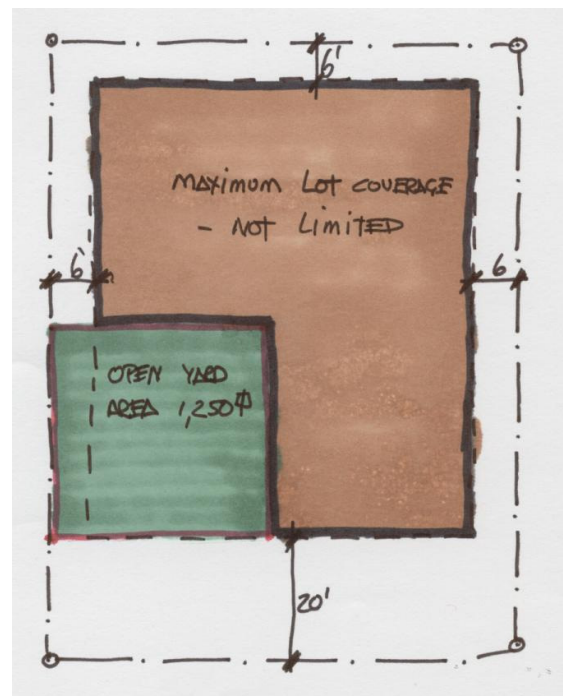
Commentary:

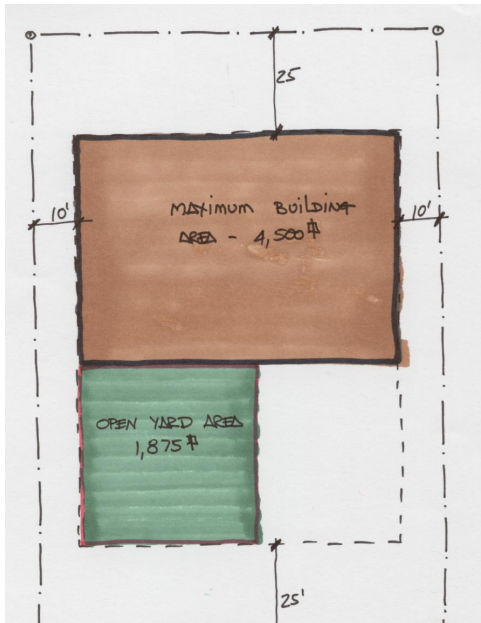
The open yard concept is successfully used in Santa Barbara, California in single-family and multi-family residential zones as a way of providing more useful open space on a lot, rather than that typically established in setback areas. Under the open yard area concept, the rear yard is reduced to the same width as a typical side yard, and a minimum area has to be established somewhere on the lot outside of the front yard that has a depth greater than the typically required setback. This allows an architect or designer greater flexibility in the design of a residence so that natural resources (e.g. trees) have a greater opportunity of being preserved, and it results in a much more interesting streetscape.

After careful study and review, staff has determined that the open yard area concept should not be applied to single-family residential zoning districts within the City of Flagstaff. The Land Development Code includes lot coverage limitations in all single-family residential zones. As these lot coverage limitations are low relative to the size of the lot as well as the setbacks required in each zone, an architect or designer has considerable flexibility to design the structure around existing natural resources on the site. In contrast, Santa Barbara does not provide a lot coverage limitation on single-family residential lots, except for the required open yard area. Staff does not recommend that these lot coverage standards should be changed.

Staff also evaluated this concept to determine if it had value to enhance the preservation of natural resources such as trees. Staff has concluded that the extra possible opportunity of saving trees by reducing setback areas and creating open yard areas in their stead, is compromised by the real possibility of having one- or two-story homes located 6 feet from a rear or side property line as this creates additional concerns from a privacy and aesthetic perspective.

Santa Barbara E-3 zone
Min. lot area 7,500 sq. ft.
No maximum lot coverage
Open yard area – 1,250 sq. ft.



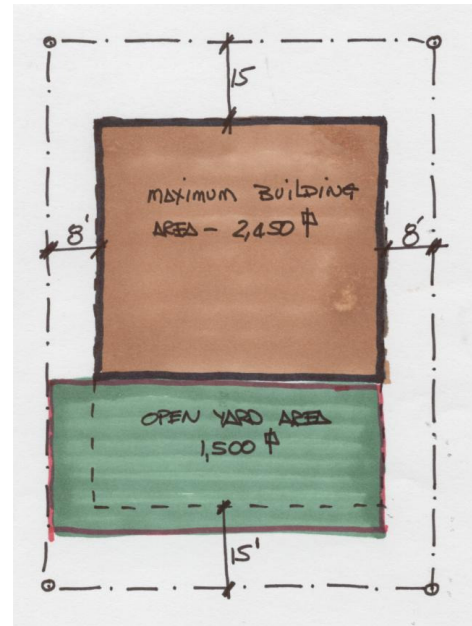


City of Flagstaff R-S-E zone

Min. lot area 15,000 sq. ft.

Max lot coverage 30% or 4,500 sq. ft.

Open yard area – 1,875 sq. ft.



City of Flagstaff R-1-E zone

Min. lot area 7,000 sq. ft.

Max lot coverage 35% or

2,450 sq. ft.

Open yard area – 1,500 sq. ft.

However, staff has determined that the open yard area concept can be successfully applied in the established multi-family residential zones (RM-L-E, RM-M-E and RM-M-O-E) as a way of providing more useful open space areas on a lot. Note that the open yard area concept is suggested as an option for property owners and developers, and it is not required. The proposed minimum open yard area of 350 sq. ft. is modeled on the value used by the City of Santa Barbara (360 sq. ft.) for multi-family residential developments. The development standards in the UR, MR and HR multi-family residential zones appear to adequately address the need for minimum useful open space, such as the patio house, Z-lot house, etc.

Staff has developed amendments to the Land Development Code to provide for the optional use of the open yard area concept in the RM-L-E, RM-M-E and RM-M-O-E districts.

Task Force Recommendation #8. – Permit detached garages to encroach 100% into required side and rear yards in single-family and duplex residential developments.

Task Force Recommendation #9. – Permit granny flats built over detached garages to encroach within three feet of side and rear property lines in single-family and duplex residential developments.

Task Force Recommendation #10. – Allow non-owner occupied granny flats, and allow detached granny flat units on lots smaller than one acre.

Staff Recommendation: Staff supports these Task Force recommendations. The original recommendations have been expanded and numerous amendments to the Land Development Code are proposed.

Task Force recommendations #8 through 10 are closely related in their implications to possible recommendations for amendments to the Land Development Code. For this reason they have been considered together, and suggested amendments to the Land Development Code provided below are based on all or part of these recommendations. Note that rather than use the term “granny flats”, the more appropriate term “Accessory Dwelling Unit” or ADU will be used in the Code.

Benefits of ADUs:

ADUs can provide a surprising number of benefits to communities, homeowners and renters. Although much of the attention given to ADUs revolves around their potential for increasing the supply of affordable housing opportunities, ADUs may also help to address other social issues, particularly those relating to housing options for the growing elderly population.

Community benefits include:

- ADUs can increase the supply of affordable housing without government subsidies
- ADUs encourage efficient use of existing housing stock and infrastructure
- ADUs encourage better housing maintenance and neighborhood stability
- ADUs can help to meet growth management goals by creating more housing opportunities.

Homeowner benefits include:

- ADUs make it possible for adult children to provide care and support to a parent in a semi-independent living arrangement
- ADUs can provide extra income to homeowners to meet rising home ownership costs
- ADUs provide homeowners with the ability to trade rent reductions for needed services
- ADUs provide increased security and companionship

- ADUs can help first-time buyers qualify for loans and off-set mortgage payments.

Tenant benefits include:

- Moderately-priced rental housing
- ADUs provide affordable rental housing in single-family neighborhoods
- ADUs increase housing opportunities for handicapped people.

The purpose of allowing ADUs is to:

- Provide homeowners with a means of obtaining, through tenants in the ADU or the principal unit, rental income, companionship, security, and services.
- Add affordable units to the existing housing.
- Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county).
- Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the proposed provisions of the Land Development Code.



Commentary:

Staff is supportive of allowing detached garages to be constructed on rear and interior side property lines in single-family residential and duplex developments provided that the height of the structure is limited to 12 feet. Further comments and observations on this issue are provided below:

- If a building is constructed on a property line, no windows or other openings are permitted based on applicable building and fire codes.
- Windows and other openings are permitted if the building is setback a minimum of three feet from the property line. This three foot minimum separation is strictly enforced.
- No overhangs, such as rafter tails, are permitted from a building or structure over a property line. Detached garages will therefore typically have a flat or low-pitch shed roof, or ideally, will be designed with the gable end perpendicular to the property line.
- Privacy issues. The Land Development Code allows a detached structure to be up to 24 feet in height. It is staff's opinion that permitting such a structure on a property line will be offensive to most adjoining property owners,

because the wall of the structure would most likely be blank and without architectural relief or windows. Also, adjoining properties would lose the privacy of their back yards with a structure this height built on the property line. Even if the proposed detached structure on the property line was a single story (up to 15 feet in height), staff anticipates opposition from most adjoining property owners.

However, some limited encroachment of detached garages is promoted by suggested amendments to the Land Development Code. Also, the Task Force's recommendations #9 and #10 have been included into proposed amendments to the Land Development Code. A summary of suggested Land Development Code amendments to allow ADUs is provided below:

- Specific standards are proposed for the placement of accessory structures and ADUs. Standards for possible encroachments into otherwise required yard or setback areas are based on the use of the structure (i.e. whether it is livable or non-livable), its height, lot area, and whether the lot was established prior to the effective date of the Code amendments, or after the effective date.
- Detailed standards are also established for ADUs that stipulate requirements for minimum and maximum floor area, occupancy, architectural compatibility and design, parking, utility service and home occupations.



Existing 1-story ADU in Flagstaff illustrating architectural compatibility with the primary residence

- Extensive amendments are proposed to Division 10-02-005 (Established Development Districts) to simplify these districts. In the “new” zoning districts (e.g. the R-1 district as described in Chapter 10-03 Use Regulations), accessory uses are cross referenced back to Division 10-03-005 (Accessory Uses and Structures). However, in the “established” zoning districts, a different approach is taken and standards are provided in each district for accessory uses and allowable encroachments into required yards. To simplify the code and make it easier to read, a consistent formatting approach has been adopted, and all zones now include a cross-reference to Division 10-03-005.
- For consistency throughout the Land Development Code, amendments are also proposed in the following sections:
 - Division 10-03-006 (Detailed Use Regulations) to modify permitted encroachments into minimum required yards,
 - Division 10-07-002 (Off-Street Parking Standards) to establish a parking standard for ADUs,

- Division 10-09-006 (Development Review Board) to clarify the Board's duties with respect to ADUs, and
- Section 10-03-006-0001 as the existing Land Development Code describes the encroachments permitted in this section in one paragraph which makes it hard to read. The paragraph is broken into a list to make it easier to comprehend. Minor amendments consistent with previous recommendations on ADUs are also proposed.

Staff suggests that the City should create an ADU Manual to be used by property owners considering the development of an ADU. A good example is produced by the City of Santa Cruz in California. The cover of this manual is copied below for your information. This manual provides an invaluable guide to a home owner wanting to develop an ADU as it introduces the benefits of ADUs, discusses neighborhood compatibility issues, includes a guide to the application and permit review process, provides guidance on construction and renting the ADU, and finally includes a list of useful resources, including the city's ADU ordinance



Task Force Recommendation #11. – Allow overlapping resource protection areas so that if possible, floodplains, steep slopes, and trees could occupy the same space and be counted as preservation under each category.

Staff Recommendation: Staff supports this recommendation with modifications, and amendments to the Land Development Code are proposed. This issue will also be addressed in the Housing Set-aside policy.

Commentary:

Staff has carefully reviewed the Land Development Code with regard to this recommendation.

Section 10-04-003-0006B1 already addresses this issue because it allows trees and floodplains to be counted as preserved resources under each category. It provides that tree canopy area that overlaps into floodplains can be counted as forest resource preservation area if the floodplain remains undisturbed and undeveloped.

It is unlikely that steep slope resources and floodplain resources will be located in the same area, so this possibility need not be addressed in the Land Development Code. However, the issue of overlapping forest resources and steep slope resources merits further review and consideration.

Section 10-04-003-0007 (Slope and Forest Mitigation) partially addresses this issue. Under Paragraph A. of this section, if a site in a residential district includes steep slope and forest resources, 80% of the area with steep slopes is required to be protected and 50% of the dripline area with forest resources must be protected. The remaining 20% of the steep slope area and 50% of the forest resource dripline area can be disturbed. See illustration A below.

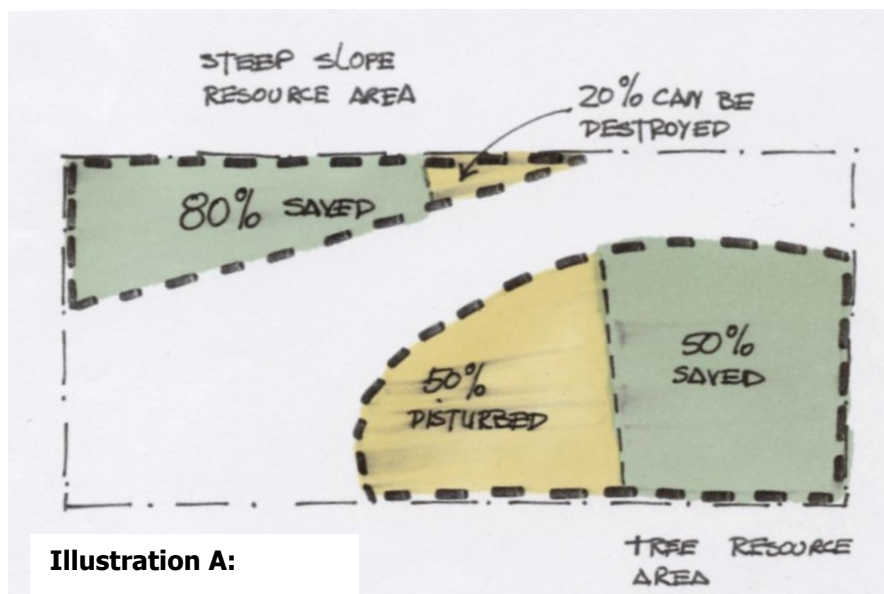
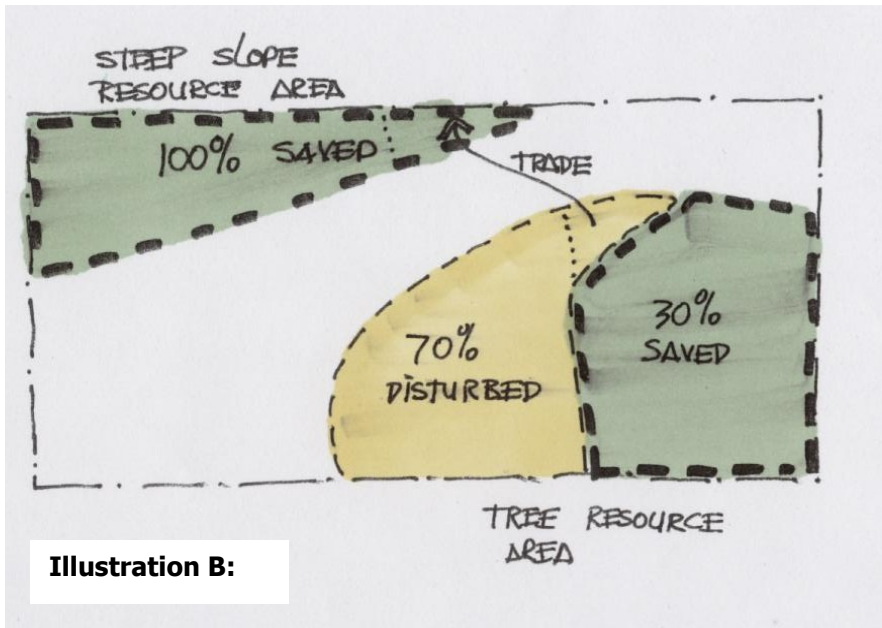


Illustration A:

However, the Land Development Code also allows up to 20% of the protected forest resource area to be disturbed provided that this area is traded and added to the 20% steep slope area, and this is protected and not disturbed. In other words, 100% of the steep slope area will be protected and only 30% of the forest resource area will be protected. See illustration B below.



But the Land Development Code does not permit the forest resources that overlap the steep slope resources to be counted as preservation under each category, and they are required to be met independently. This has been addressed by creating a new Section 10-04-003-0007E and amending Section 10-04-004-0004C. This issue will also be addressed with the revisions to the Housing Set-aside policy.

Staff recommends that the sections of the Land Development Code dealing with natural resource protection standards and site capacity calculations should be rewritten to make them easier to understand. This task should be implemented as part of a long-term Land Development Code amendment.

Task Force Recommendation #12. – Allow resources impacted by installation of utilities outside of roadways and detention areas to not be counted as “disturbed resources” subject to Resource Protection Measures.

Staff Recommendation: Staff does not support this Task Force recommendation, and suggests that the Land Development Code should not be amended.

Commentary:

The intent of this recommendation is to allow the disturbance of existing resources (presumably trees) by the installation of new utilities outside of areas that would be otherwise destroyed, such as roadways, driveways, detention areas, etc. without being penalized by having those areas not counted as disturbed resources. Typically utilities are likely to be installed outside of other disturbed areas to loop distribution systems, such as water or natural gas, or to install gravity sewer systems. This occurs most frequently when cul-de-sac layouts are proposed and approved because it is harder to loop utility services in a these projects. A grid or modified grid street layout enables utility services to be looped and connected more easily.

Both the Regional Plan and Land Development Code emphasize the importance of protecting natural resources, especially trees. Through careful subdivision and development design using well established techniques of grid or modified grid street layouts, the goal of providing looped or connected utility service can be met while at the same time maximizing the preservation of native tree resources. It is staff's opinion that the placement of utilities in driveways, roadways, detention areas and other disturbed areas on a site should be promoted and encouraged, and that if utilities are placed outside of these areas, they should be mitigated and counted as disturbed resources.

Staff is therefore, not supportive of this recommendation from the Task Force and further suggests that no amendments to the Land Development Code are necessary.

Task Force Recommendation #13. – Increase the stormwater threshold from 5,000 sq. ft. to 21,780 sq. ft. so that projects with new run-off less than this amount would drain to a public way without the need for on-site detention facilities.

Staff Recommendation: Staff does not support this Task Force recommendation, and suggests that neither the Land Development Code nor the Stormwater Ordinance should be amended.

Commentary:

This recommendation was discussed with City Stormwater Division staff, and in a document dated September 5, 2006, the staff recommended that the current threshold criteria of 5,000 sq. ft. be maintained. The purpose of the current detention requirements is to protect downstream property owners from the effects of flooding due to increased runoff from upstream properties as the result of increased impervious surfaces. The majority of the City's stormwater problems have been created by, or exaggerated by, increased impervious surfaces. An increase in the threshold may create serious downstream health and safety issues.

However, Stormwater Division staff also noted that there are future opportunities, associated with the City-wide Stormwater Master Plan that may afford some relief to the current detention standards. As watershed specific stormwater plans are developed, it may be possible to waive detention in certain watershed locations. Additionally, low impact development (LID) stormwater concepts (such as bio-retention, rainwater harvesting and other facilities that reduce stormwater runoff and improve the quality of the stormwater) may offer options to standard detention that could aid in overall developable property. Stormwater Division staff is working on an LID ordinance that will be presented to the City Council in about 6 months. Also, staff recommends the consideration and use of porous pavements, pervious pavers and other materials that allow the natural percolation of stormwater as a way to reduce runoff.

Staff therefore, recommends that the current standard of 5,000 sq. ft. remain in affect. However, additional opportunities for reducing detention requirements will be explored as part of a future LID ordinance and the Stormwater Master Plan which is anticipated to be completed within the next few years.

Task Force Recommendation #14. – Develop new parking standards for multi-family residential projects.

Staff Recommendation: Staff supports this Task Force recommendation, and amendments to the Land Development Code are proposed.

Commentary:

The Task Force recommended specific new parking requirements for multi-family residential projects as follows:

Studio/efficiency unit	1.25 parking spaces
1-bedroom unit	1.5 parking spaces
2+ bedroom units	2 parking spaces
If 6 or more units are provided, 0.25 parking spaces per unit is required for guest parking	

The Task Force's proposed amendments are very similar to the standard parking requirements for multi-family residential zones (only the proposed parking requirements for studios and 4+ bedroom units are lower than the existing code).

Staff recommends that only the Task Force's recommendations for studios or 4+ bedroom units should be adopted, and that the other existing parking provisions of the Land Development Code as they apply to multi-family residential projects and multi-family residential affordable projects should remain, except that additional parking for guests in multi-family residential affordable projects should be provided.

Staff has therefore proposed amendments to Section 10-07-002-0002A-1 of the Land Development Code.

Task Force Recommendation #15. – Allow the use of driveways in multi-family projects to serve up to ten detached units and up to 20 units within multifamily buildings. Also, allow the use of private driveways in single-family zones to serve up to six units. Driveways would still be subject to Fire Department and Waste Management requirements.

Staff Recommendation: No amendments to the Land Development Code are proposed. No support for change from the City Fire Department and City Engineer at this time.

Commentary:

This recommendation was discussed with City Fire Department staff and the City Engineer on September 8, 2006. A summary of their comments on this recommendation is provided below.

The Land Development Code and typical engineering and development practice currently allows for the use of driveways in lieu of streets as the normal way of providing vehicle access within an apartment or condominium project. Thus the "street" standard applies within a right-of-way serving the property, while a "driveway" standard applies within the property to create the vehicular access from the street to the parking area and buildings. The City Engineer further comments that with respect to town home projects, if a private driveway is used in lieu of a "street", the width, pavement section, turnaround, sidewalks, etc. need to be essentially the same as a road to accommodate the residence and associated service vehicles and pedestrians. He further commented that the savings that may be realized in reduced construction cost would accrue to the developer and would be hard to require to be transferred to a future homeowner. In addition, the long term cost of maintenance, liability, and snow removal would be passed on to the buyers. In his opinion, the net affect would a property that may actually be less affordable.

The Flagstaff Fire Department commented that the Uniform Fire Code does not make any distinctions between 'driveways', 'streets', 'aisle ways', 'parking lots' or any drivable surfaces, and that the Fire Code only concerns itself with "fire access". Whenever a driveway, street, parking lot, etc. provides the dedicated "fire access" to a building or property they become one and the same.

The Fire Department also commented that other Emergency Service providers in Flagstaff include the Police Department, ambulances, sanitation, and utility vehicles. All providers need adequate access to buildings and the Fire Department in particular uses fire access to set up and operate while maneuvering multiple vehicles in a concentrated area. The Department further commented that the driveways need to designed, constructed and maintained in accordance with adopted standards so that fire access can be provided at all times.

Based on the comments summarized above, it is staff's opinion that no changes to the Land Development Code are supported by the City Engineer or Fire Department at this time. However, an additional meeting with key staff has been scheduled to further discuss this issue.

Task Force Recommendation #16. – Allow the use of reduced or alternate driveway widths based on the following recommendations:

- Driveways serving less than 25 parking spaces – driveway access shall be not less than ten feet in width.
- Driveways serving 25 or more parking spaces – a two-way driveway shall be required with a minimum paving surface width of at least 18 feet.
- Two one-way driveways may be substituted for one two-way driveway.

For Fire Department access and work area, a driveway of 16 feet in width shall be provided to a point within 150 feet of the furthest point (as the hose lies) of any non-sprinkled building or within 250 feet of the furthest point (as the hose lies) of any sprinkled building.

Staff Recommendation: No amendments to the Land Development Code are proposed. No support for change from the City Fire Department and City Engineer at this time.

Commentary:

This recommendation was discussed with City Fire Department staff and the City Engineer on September 8, 2006. A summary of their comments on this recommendation is provided below.

The Fire Code does not apply to "number of parking spaces", but rather considers the Department's ability to access buildings. Access 'widths' must be looked at contingent on where the access way is located relative to buildings. Driveways that do not provide "fire access" (in other words, the building can be serviced from the street and not the driveway) are irrelevant to the Fire Department. Some critical driveway access standards are as follows:

1. Access ways shall be a minimum of 20 feet wide to allow two 9-foot wide fire trucks to pass one another (for strategic positioning) and lay larger supply hoses from a hydrant to a pumper. It also allows a pumper to lay supply hoses to a ladder pipe (elevated stream). Parking can complicate the 20-foot width and should be looked at on a case-by-case basis to allow a single lane queuing street with parking when possible. Whenever parking is permitted in an access way, streets should be a minimum of 23 feet wide.
2. The 20-foot width also allows fire trucks to be deployed in the front and to the sides of buildings, and is the Department's minimum working space.
3. Buildings over 20 feet high require the use of a ladder-truck aerial ladder with outriggers to access the roof. When this equipment is used, 26-foot wide access ways are required to accommodate the outriggers.

4. The Department is not supportive of two one-way access ways (e.g. University Heights). Grade changes between one-way access ways can also be problematic, especially in snow conditions.
5. Sprinkler systems can allow shorter roads and different turnarounds, however the specifics of each situation must be reviewed to determine the feasibility in regard to the remainder of the project (proximity of buildings, attics not sprinkled, alternative snow storage, etc.).

The Department noted that they would be willing to look at alternate design methods on specific bona fide affordable housing projects, but do not support reducing access standards across the board without assurances that cost savings will be passed on to those who need it.

The City Engineer concurred with the Flagstaff Fire Department's comments on this recommendation and supported the idea that each project needs to be looked at individually to insure that the driveway widths are constructed to meet the needs of all vehicles that will use or service the site. He also questioned how the requirement for a slightly narrower driveway would result in reduced rents or sales prices of a new dwelling unit.

Based on the comments summarized above, it is staff's opinion that no changes to the Land Development Code are supported by the City Engineer or Fire Department at this time. However, an additional meeting with key staff has been scheduled to further discuss this issue.

Task Force Recommendation #17. – Develop a new standard to allow for tandem parking.

Staff Recommendation: Staff supports this Task Force recommendation with modifications, and amendments to the Land Development Code are suggested.

Commentary:

The suggested Land Development Code amendments provided in Section 10-07-002-0002C4d. and e. below clarify and expand the use of hard pervious surfaces for driveways and cross reference the parking requirements of Accessory Dwelling Units, respectively. Also, the code is amended to permit tandem parking for residential uses. A new definition for tandem parking has been added to Chapter 10-14 (Definitions).

Definitions:

As a result of the amendments proposed in the preceding narrative, a number of the definitions provided in Chapter 10-14 (Definitions) also require amendment. A list of proposed amendments to the Definitions chapter is provided below:

ACCESSORY DWELLING UNIT (ADU).	Added
APARTMENT	Amended
APARTMENT, COMMERCIAL.	Deleted
AREA MEDIAN INCOME.	Added from Task Force recommendations
DAY CARE CENTER	Amended
DAY CARE HOME	Amended
DAY NURSERY	Deleted
GRANNY FLAT.	Deleted
HOMELESS SHELTER	Added
MULTI-FAMILY.	Deleted
MIXED USE.	Revised
OPEN YARD AREA.	Added
TANDEM PARKING	Added
WORKFORCE HOUSING.	Added from Task Force recommendations.

Other Land Development Code recommendations that are related to affordable housing:

The American Planning Association (APA) has developed a series of policy guides addressing important planning, social, economic, cultural and economic issues affecting American cities. The Policy Guideline on the Provision of Child Care (September 1997), promotes the provision of child care homes as permitted land uses in all zoning districts, and encourages cities to remove obstacles to the provision of child care facilities in locations that are safe and appropriate for children.

It is staff's opinion that the Land Development Code as drafted generally meets the intent of the APA policy guide on child care. However, the Code is confusing as terms associated with "day care", "day care center", etc. are poorly defined. Similarly as the term "day nursery" is synonymous with home day care, staff recommends that for simplicity and clarity it should be deleted throughout the Land Development Code. The following minor amendments are suggested to address these concerns:

The definition for a Home Day Care includes a reference to it being a permitted home occupation use. A few minor amendments to the definition of a home occupation are needed to ensure consistency.

Under the current code, home day cares or day care centers are not permitted in commercial zones. Assuming that the recommendation to allow more residential uses in commercial zones is approved (Refer to Task Force recommendation #6), amendments are offered to permit the establishment of home day cares or day care centers in commercial zones.

In suggesting the changes to the Land Development Code to better define and describe home day care and day care centers, staff realized that minor amendments were also necessary in Section 10-03-006-0001M (Home Occupations). A brief summary of these amendments is provided below.

Aside from minor grammatical changes for clarification, staff suggests amendments to the language referring to traffic generated by the home occupation. As written, a music teacher, architect, photographer or other typical home occupation technically cannot operate as a home occupation and have clients visit their home office because no traffic should be "*attracted*" to the home. The proposed amendment allows traffic to a home occupation, but no more than is customary for the district within which it is located. An additional standard to protect the neighborhood from noise and electrical or electronic interference is also suggested. Finally, using the City of Tucson's code as a guide, additional conditions are suggested for home day cares established as home occupations.

Staff has also inserted a new definition for "homeless shelter" and addressed amendments to the Code to allow homeless shelters in the C-3-E, C-4-E, I-1-E and I-2-E zoning districts.

Summary and Conclusion:

The Community Housing Policy Task Force through its recommendations has contributed in a very meaningful way to provide an approach to addressing the issue of housing affordability in the City of Flagstaff by suggesting various Land Development Code amendments. Based on staff's careful review of each of the short- and medium-term recommendations, comprehensive amendments to the Land Development Code have been developed. Staff has also recommended that some of the recommendations should not be pursued as they have been found to be infeasible, such as concept of revising the development standards for the multi-family residential zones.

The Task Force also suggested seven long-term recommendations. A brief overview of each of these recommendations is provided below:

1. Variable Density Concept.

The concept of a variable ordinance for use on all projects and properties other than single family residential is proposed. By this method, the number of units allowed is determined by gross parcel size with any combination of units allowed (in fact encouraged) to fully utilize the lot area and meet market demand. The number of units is not dependent on the zone. To promote mixed-use, the same rules apply, except the commercial area allowed is in addition to the units derived by variable density.

Staff is conceptually supportive of this concept and after further research will provide recommendations on how it can be included into the Land Development Code as part of future amendments to the Code.

2. Tree Preservation Methodology.

Rather than continue to use the current method of determining tree size based on its canopy, it is proposed that a simpler and less time consuming method of determining tree size based on the industry standard of diameter at breast height (DBH) should be used.

Staff is conceptually supportive of this concept and after further research will provide recommendations on how it can be included into the Land Development Code as part of future amendments to the Code.

3. Tree Preservation Rate.

The Land Development Code currently requires that 50% of all trees on a property need to be preserved, regardless of their health, size or species and regardless of the size of the property. This method does not always provide for a healthy forest. It is suggested that the methodology should be revised so that the end goal is a healthy forest and such that sparsely tree properties might have 100% protection but heavily treed properties might have a lower percent of preservation.

Staff is conceptually supportive of this concept and after further research will provide recommendations on how it can be included into the Land Development Code as part of future amendments to the Code.

4. Tree Replacement.

In order to achieve required residential densities it is suggested that up to 20% of trees that are required to be protected may be removed, if they are replaced at a ratio of 10:1 for ponderosa pine trees and 5:1 for all other trees.

Staff is conceptually supportive of this concept and after further research will provide recommendations on how it can be included into the Land Development Code as part of future amendments to the Code.

5. Consolidated Zones.

The Task Force recommends that as many of the Land Development Code's existing zoning districts should be consolidated and simplified, especially for the multi-family residential zoning districts.

Staff is conceptually supportive of this concept and after further research will provide recommendations on how it can be included into the Land Development Code as part of future amendments to the Code

6. Create a High-Rise District.

This recommendation supports the creation of a district where buildings could be constructed as high as six to twelve stories so that residential uses could be established over existing or proposed commercial uses. Careful consideration needs to be given to adjacent uses and viewsheds.

Staff is conceptually supportive of this concept and after further research will provide recommendations on how it can be included into the Land Development Code as part of future amendments to the Code

7. Change the Urban Growth Boundary.

It is suggested that a more flexible urban growth boundary based on a 20-year projected need should be developed to replace the inflexible urban growth boundary now adopted as part of the Regional Plan.

Staff suggests that this concept should be explored and researched as part of possible future amendments to the Regional Plan.

Staff also suggests that additional opportunities for enhancing the affordability of housing in Flagstaff should be considered and explored, and based on internal staff discussions, the following ideas are presented for comment:

1. Develop more energy efficient dwellings so that the energy savings can be passed on to the home owner. The National Association of Home Builders (NAHB) guidelines for “green” building are a good starting point for developing a city policy on this matter.
2. Develop a policy to foster better partnerships between developers and the City to establish affordable housing projects. This could include for example, establishment of special improvement districts and development of partnerships where the developer gives the city land and the city develops it as housing.
3. Financial incentives – mortgages, lower interest rates, HUD funding, ability of developers to pay utility fees over a specified period of time, etc.
4. Develop more sustainable homes that will last – discourage mobile or modular homes.
5. Review existing policies and procedures and look for ways to streamline City processes and procedures to promote more affordable housing development.
6. Establish processes for waivers of applicable Land Development Code requirements such as density, setbacks, parking, landscaping, etc. to promote affordable housing in unique situations where ownership, site, or other constraints limit the development potential of a parcel. This must be tied to affordability for a minimum time period.
7. Address if possible the need to transfer cost savings accrued as a result of amendments made in the Land Development Code to the home owner, not the developer.

Staff has completed detailed amendments throughout the Land Development Code to address the recommendations of the Flagstaff Community Housing Policy Task Force. During this process staff identified two issues that are beyond the scope of this round of amendments that will be brought forward to the Planning and Zoning Commission and City Council in early 2007. These include possible amendments to the RM-M-E multi-family district development standards and the need for shared parking standards.

This report is a general summary of the comprehensive report that will be provided to the Planning and Zoning Commission and City Council when final amendments to the Land Development Code and an ordinance are submitted for review and approval. A proposed schedule for review and approval by the Planning and Zoning Commission and City Council is provided below:

December 12, 2006 at 4:00 p.m.	Planning and Zoning Commission work session Includes a staff presentation on the amendments, discussion with the Commission, and opportunity for public input
January 8, 2007 at 4:00 p.m.	City Council work session on the LDC Includes a staff presentation and overview of the LDC, and discussion with the Council. Includes a separate presentation and discussion on Form-based Codes and how they may be applied in Flagstaff.
January 23, 2007 at 4:00 p.m.	Planning and Zoning Commission public hearing Includes a staff presentation on the amendments, discussion with the Commission, and opportunity for public input
February 20, 2007 at 6:00 p.m.	City Council public hearing Includes a staff presentation on the amendments, discussion with the Council, and opportunity for public input